

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON  
7

8 SALOMON MEJIA PRECIADO,

9 Movant,

10 -vs-

11 UNITED STATES OF AMERICA,

12 Respondent.  
13

NO. CR-03-2129-WFN  
CV-08-3039-WFN-1

ORDER

14 Before the Court is Mr. Preciado's pro se Motion to "dismiss this case" filed July 23,  
15 2008 (Ct. Rec. 123). The Motion states that he was ill informed of his status and misguided.

16 The only matter pending in this case is Mr. Preciado's Motion to Vacate, Set Aside or  
17 Correct Sentence by a Person in Federal Custody Pursuant to 28 U.S.C. § 2255, filed June 20,  
18 2008 (Ct. Rec. 121). The Court issued an Order on July 7, 2008 (Ct. Rec. 122) noting that  
19 the § 2255 Motion appeared to be untimely. Mr. Preciado was instructed to file a supplement  
20 to the Motion no later than August 15, 2008, pleading facts which prevented the statute of  
21 limitations from running against him. Instead he has requested dismissal.

22 The Court has reviewed the file and the Motion and is fully informed. Accordingly,

23 **IT IS ORDERED** that Mr. Preciado's pro se Motion to Dismiss, filed July 23, 2008,  
24 **Ct. Rec. 123**, is **GRANTED**. The Motion to Vacate, Set Aside or Correct Sentence by a  
25 Person in Federal Custody Pursuant to 28 U.S.C. § 2255, filed June 20, 2008, **Ct. Rec. 121**,  
26 is **DISMISSED** at the request of the Movant.

1 The District Court Executive is directed to:

- 2 1. File this Order;
- 3 2. Provide copies of the Order to Mr. Preciado and counsel of record;
- 4 3. Strike the preliminary hearing on **August 22, 2008**; and
- 5 4. Close the corresponding civil case file, CV-08-3039-WFN-1.

6 **DATED** this 31st of July, 2008.

7

8 s/ Wm. Fremming Nielsen

9 WM. FREMMING NIELSEN

10 SENIOR UNITED STATES DISTRICT JUDGE

07-30